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Enforcement in the 80's
Compliance with Environmental Laws

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Idaho
Oregon
Washington

Region 10 Enforcement

October 1985

EPA

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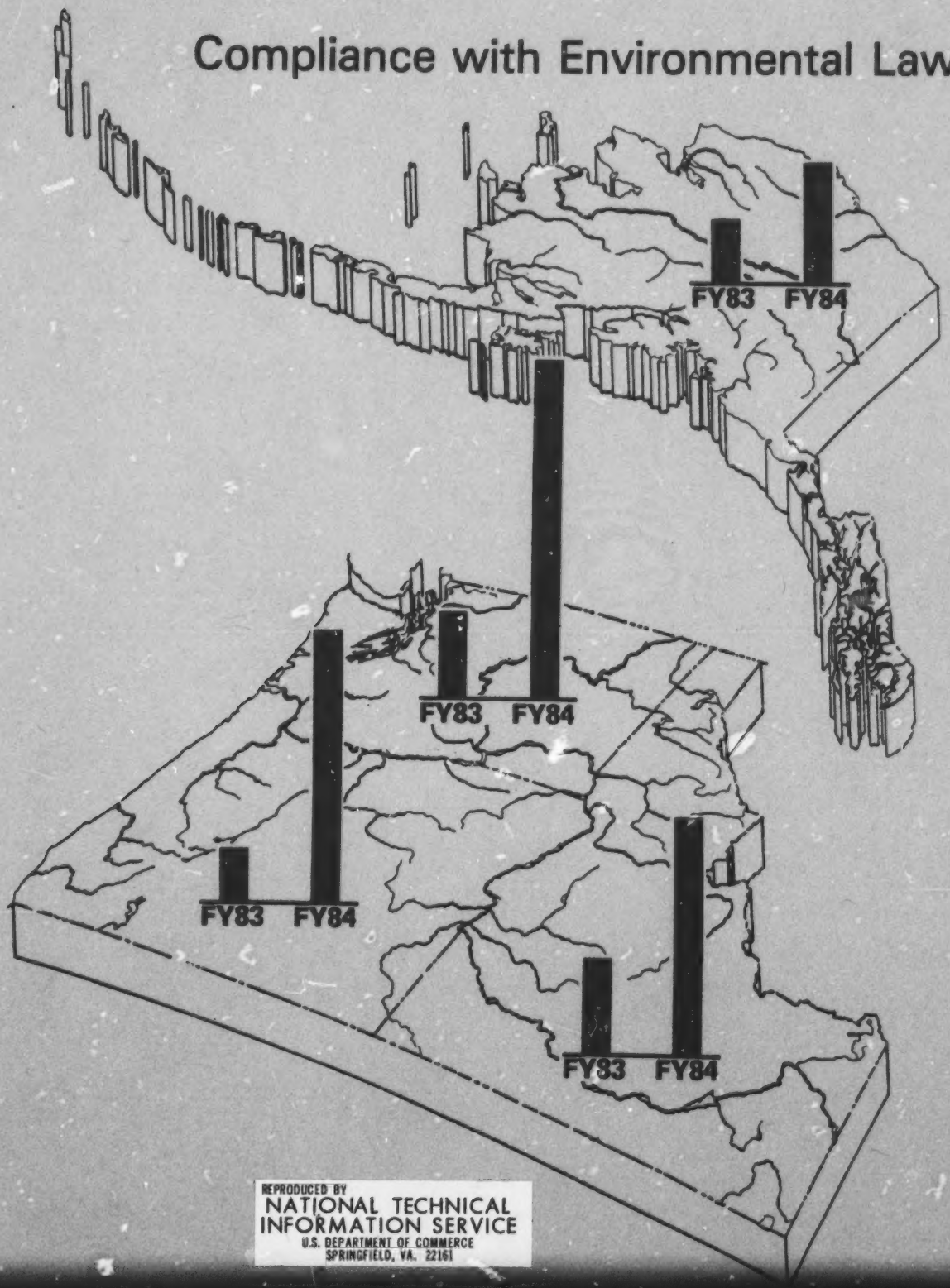
Compliance with Environmental Laws



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ENFORCEMENT IN THE 80s

COMPLIANCE

WITH ENVIRONMENTAL LAWS

ENVIRONMENTAL PROTECTION AGENCY

REGION 10

OFFICE OF ENFORCEMENT

OCTOBER 1985

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FOREWORD

Active enforcement of environmental laws has long been a major concern of the Environmental Protection Agency's Region 10 Office. Region 10 took the lead in developing model cases under the Clean Air Act, the Clean Water Act, the Safe Drinking Water Act, and the Resource Conservation and Recovery Act. Environmental enforcement activities by federal and state governments have increased significantly in the Pacific Northwest since Fiscal Year 1982.

The vast majority of private and public facilities subject to environmental regulation comply with these important laws and regulations. Government's responsibility is to ensure that those who do not comply as readily gain no economic advantage over those who do obey the law. In addition, environmental enforcement efforts also bring direct--and sometimes visible--improvement to potentially hazardous conditions that may threaten public health or the environment.

The states of Alaska, Idaho, Oregon and Washington, which comprise EPA Region 10, are committed to enforcement of environmental laws. This responsibility has been repeatedly demonstrated by determined, competent state and federal officials. In the past, EPA was unable to address all violations, and enforcement actions were processed based on a priority system focusing on the worst violators. Because of increased emphasis on enforcement and maturity of the programs, the Agency is now able to address many more violators than before. News media coverage of this work has multiplied its effectiveness as a deterrent. This kind of publicity stimulates affirmative action by industry to better comply with the law and reduce the impact on the environment.

To promote efficiency and effectiveness in field investigations, Region 10 has also integrated inspections across programmatic borders, and has sought cooperative arrangements with other federal agencies whose inspection teams focus on environmental concerns not assigned to EPA.

Region 10 established the Office of Enforcement in late 1984 to encourage and ensure vigorous, fair, and consistent enforcement of federal laws, regulations, and policies dealing with the environment. This document reports on and exemplifies a variety of effective state and federal activities designed to achieve those objectives.

Ernesta B. Barnes
Regional Administrator

INTRODUCTION

Enforcement is more than just a "traffic ticket." It includes cooperative arrangements, negotiations, and educational activities which bring about compliance with the law. When a facility violates the law (depending on the severity of the violation and other factors), the Agency can take one or a combination of several enforcement actions that will most effectively bring the facility into compliance. Some of the more common enforcement actions include: Compliance Inspections, Notices of Violation or Noncompliance, Administrative Orders, and Civil and Criminal Referrals. These terms are used throughout the text and merit some explanation:

* Facilities covered by environmental laws undergo compliance inspections on a routine basis or when a regulatory agency has received evidence or a complaint of violation of laws or regulations. Depending on the nature and severity of an observed violation and other factors, the agency may take one or more actions authorized by federal and state laws to bring about compliance.

* When a less serious violation occurs a notice of violation (NOV) or notice of noncompliance is sent to the owner or managers of the facility (except for the Clean Air Act, which requires an NOV as the initial enforcement action regardless of the significance of the violation, excluding emergency situations). This notice is a formal letter which outlines the violation and offers the facility an opportunity to confer with the Agency.

* If this does not result in compliance, an administrative order, which includes a directive and schedule to comply with the law or regulation, is issued under the statutes that authorize such orders. An administrative complaint and penalty order is issued to collect penalties for violating environmental laws under the statutes authorizing this process. Significant violators are subject to administrative orders or administrative complaints whether or not an NOV has been issued under RCRA, CWA, CERCLA, TSCA, and FIFRA. The EPA Administrator or delegated authority can levy an administrative penalty or fine through the administrative order under RCRA, CAA, TSCA, and FIFRA only.

* The remedial 106 order and removal 106 order are administrative orders authorized by section 106 of the Comprehensive Environmental Response, Conservation, and Liability Act (CERCLA-Superfund). The remedial 106 order requires a facility to perform specified actions, such as drill wells or sample water/soil to locate contamination, and develop a work plan and schedule for long-term cleanup actions. A removal 106 order is an order which requires a facility to perform specified actions immediately in order to cleanup sites.

* Another kind of administrative order is authorized by Section 3013 of the Resource Conservation and Recovery Act. A 3013 order does not necessarily imply any violation and can be initiated if there is information leading EPA to believe that hazardous waste may present a substantial hazard to health or the environment. It directs a facility to do something specific, such as monitor, analyze, or test, to determine whether an environmental problem exists. Region 10 issued the first 3013 order nationally to investigate probable or potential health and environmental threats resulting from past and present hazardous waste management activities. Region 10's input in developing 3013 guidance substantially contributed to national policies and guidance.

* Where the administrative process cannot be used, or where it fails to result in compliance, a civil or criminal referral of the case to the Department of Justice is made. (In some cases, a referral to the Department of Justice is made without going through the administrative process.) In such cases, Region 10 often can negotiate a consent decree with the violator to describe actions that must be taken--under court order--to solve the problem. A judicial penalty or imprisonment imposed through legal proceedings with the Department of Justice is the strongest enforcement tool available to EPA to bring about compliance.

This report compares environmental enforcement data in the Pacific Northwest from Fiscal Year 1982 through Fiscal Year 1984. Section I covers combined state-EPA enforcement efforts. Section II documents the increased vigor of state enforcement programs. Section III focuses on work by the Region 10 Office.

I. COOPERATIVE STATE-EPA ENFORCEMENT

II. STATE ENFORCEMENT ACTIONS

III. EPA ENFORCEMENT ACTIONS

IV. SUMMARY

I. COOPERATIVE FEDERAL-STATE ENFORCEMENT

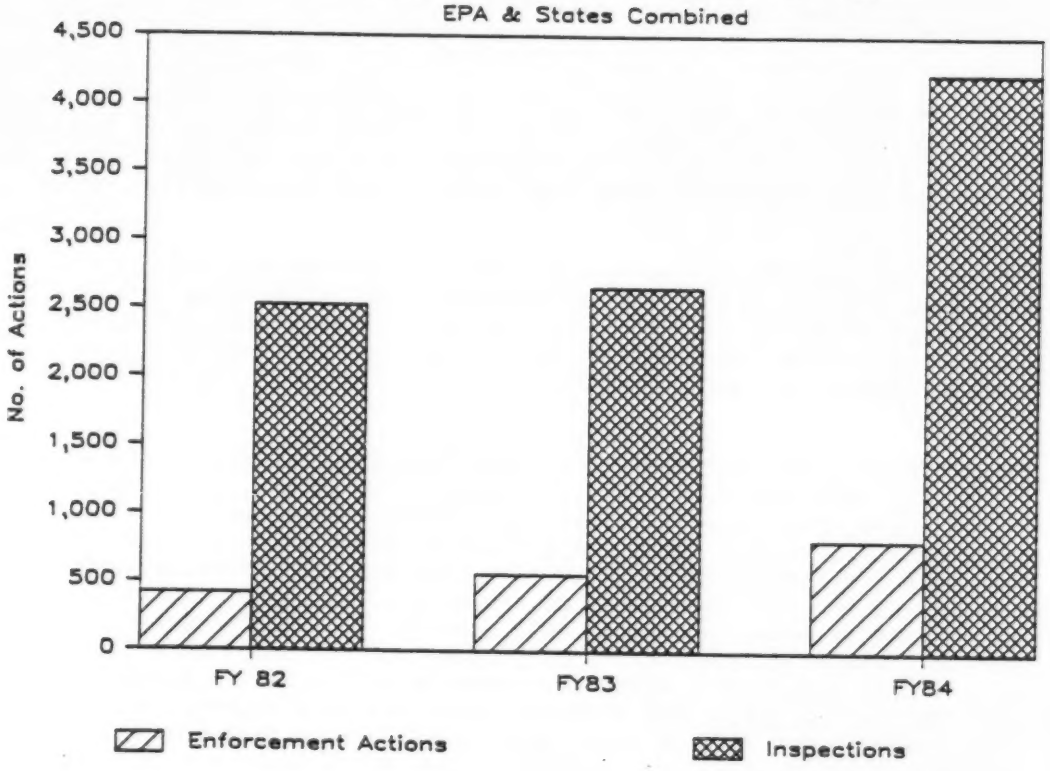
EPA Region 10 and the states of the Pacific Northwest are committed to working together for consistent, strong enforcement of environmental laws and regulations. Some unusual solutions to environmental problems have resulted from a combined federal and state emphasis on enforcement. Networking among state and local agencies, special committees, and the use of personnel assigned to state or local agencies under Intergovernment Personnel Agreements have stimulated enforcement activity in Region 10. For example, a member of the Region 10 Office of Enforcement is helping the Washington Department of Ecology set up a system to track compliance by industrial and municipal dischargers.

Office of Enforcement - The Office of Enforcement has negotiated a criminal enforcement agreement with the Washington Department of Ecology. A booklet, "Prosecution Begins With You," was developed to advise state, local, and EPA inspectors on how to document criminal violations and handle evidence. The Office is also developing an automated system to track state enforcement data, coordinating work on site-specific problems, and implementing strong and rapid enforcement where human health or sensitive environments are threatened.

Strandley Salvage Operation - A two-year effort by the Washington Department of Ecology, Pierce and Thurston County Health Departments, the Food and Drug Administration, a local utility consortium, the Shellfish Association in Puget Sound, and EPA Region 10 resulted in a consent order in April 1985 to reduce soil and water contamination from polychlorinated biphenyls (PCBs) and other toxic substances at this salvage operation. Using a site investigation fund set up under the consent order, the parties involved will work with Region 10 to assess problems and devise solutions.

Puget Sound Initiative - EPA and the Washington Department of Ecology are following up on the recognition of problems with toxic contaminants and priority pollutants in Puget Sound. EPA has allocated $1.5 million over the next three years for this effort. Washington State requested $460 million, but this funding was not passed by the legislature. Work to identify and rank potential industrial and municipal source candidates for enforcement actions is underway in the Washington Department of Ecology. The Region 10 Office of Enforcement is working with state and local environmental agencies to trace illegal dumping in the Puget Sound area.

REGION 10 — ACTIONS



This data illustrates the combined total of inspections and enforcement actions conducted by EPA and the delegated states in Region 10 for all programs.

ALL PROGRAMS

FISCAL YEAR	1982	1983	1984	% Change
ACTIONS				
Inspections	2531	2667	4226	+ 67%
NOVs	388	446	662	+ 71%
Orders	24*	106**	142	+ 492%
Referrals	12	15	16	+ 33%

Note: Percent change is the difference between Fiscal Years 1982 and 1984.

* Excludes 770 placer-mine administrative orders, which were issued in lieu of NPDES permits.

** Excludes 59 trout-hatchery administrative orders, which were issued in lieu of NPDES permits.

II. STATE ENFORCEMENT ACTIONS

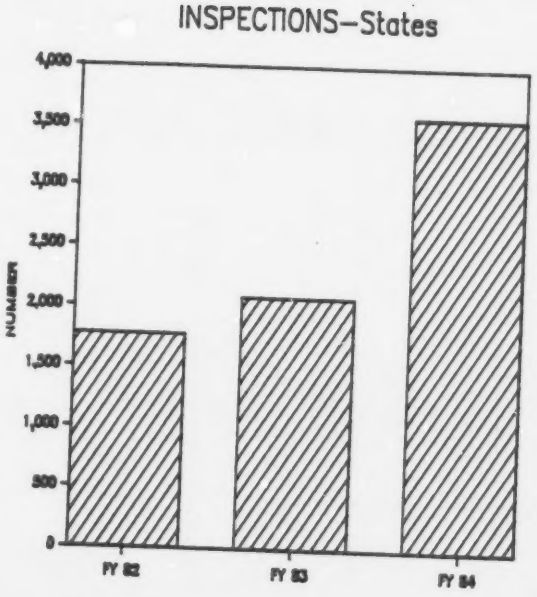
State inspections of regulated facilities more than doubled between Fiscal Years 1982 and 1984, increasing by 102 percent, while notices of violation increased 76 percent. The following highlights of state and local activities have contributed to increased compliance with various environmental laws:

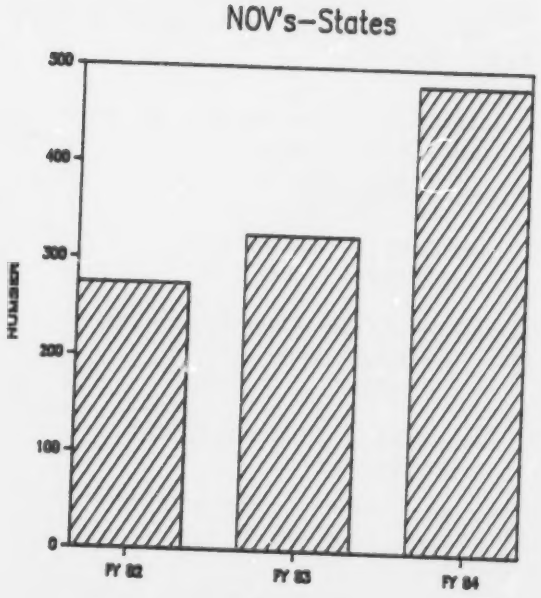
Alaska - Air quality in the Juneau area has consistently met national standards since Alaska instituted emergency bans on burning during inversions affecting the Mendenhall Valley. Three winters of careful monitoring and emergency burning bans shows this State-Borough program has been successful in controlling air pollution from this important source.

Idaho - During the last year, the Idaho Department of Health and Welfare (IDHW) has been much more aggressive about enforcement, using Board of Health and Welfare Orders, consent agreements, and stipulated penalties for future violations. Both the air and drinking water programs of the IDHW have limited enforcement tools in that they cannot issue administrative and/or civil penalties for violations. However, violation of an administrative order can result in a penalty. Within the drinking water program, IDHW is completing the development of its Compliance Strategy, which should result in a more comprehensive enforcement program than conducted in the past. The IDHW has shown its more aggressive enforcement stance within the drinking water program by issuing five Board Orders to date during Fiscal 1985, as compared to one Board Order during Fiscal 1984.

Oregon - The state is implementing the first comprehensive wood stove regulatory program in the country. Under rules adopted in June 1984, Oregon is now testing new stoves to see if they will meet the 1986 emission standards. Information gathered from this study includes: how to work effectively with the stove manufacturers, what engineering capabilities comply with the standards, and manufacturing time constraints.

Washington - Washington has the most active Superfund program in the Region. The State's general treasury provides matching and remedial funds required by CERCLA (the Federal Superfund law)--about $4 million to date. Washington has initiated cleanup activities at some sites which did not rank high enough to be included as national priority sites in the federal ranking system. A $14.7 million budget has been approved by the State's legislature for the State Superfund program for Fiscal Years 1986 and 1987.





This data illustrates the number of inspections and enforcement actions conducted by the delegated states in Alaska, Idaho, Oregon, and Washington. The totals include all programs in which the states have been delegated this authority.

ALL PROGRAMS - STATE

FISCAL YEAR	1982	1983	1984	% Change
ACTIONS				
Inspections	1777	2086	3587	+ 102%
Notices Violations/ Noncompliance	275	326	483	+ 76%
Orders	N/A*	48	81	***

Note: Percent change is the difference between Fiscal Years 1982 and 1984.

* Data not available.
*** Cannot compute percentage.

STATE DELEGATION

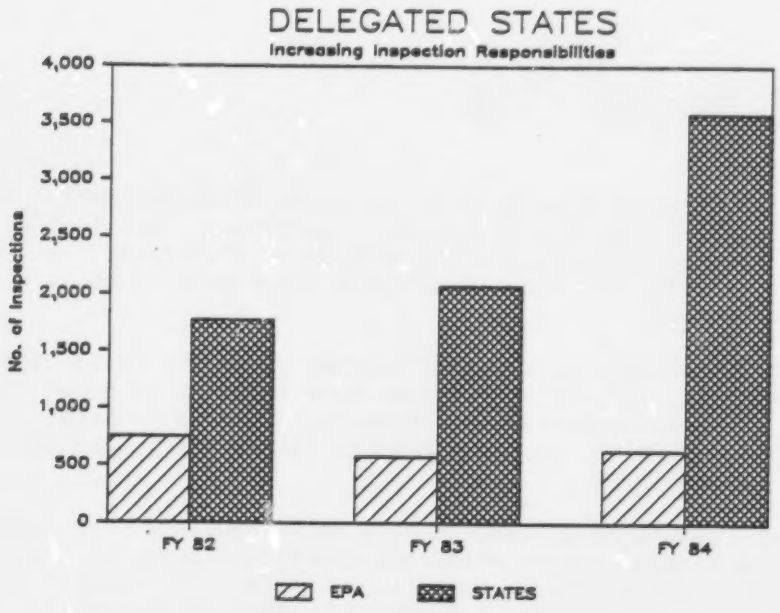
Authority to enforce federal environmental laws can be delegated to states having adequate legal and fiscal resources. For example, state drinking-water agencies in Alaska, Idaho, and Washington have legal authority to issue administrative orders and assess penalties. The following table shows the status of delegations of enforcement authority to states in Region 10 through Fiscal Year 1984.

	Alaska	Idaho	Oregon	Washington
CLEAN AIR ACT				
New Source Performance Standards	P	P	P	P
National Emission Standards for Hazardous Air Pollutants			P	P
Prevention of Significant Deterioration	D		D	D
CLEAN WATER ACT				
National Pollutant Discharge Elimination System			D	D
SAFE DRINKING WATER ACT				
Drinking Water Systems	D	D		D
Underground Injection Control		D'	D	D
RESOURCE CONSERVATION AND RECOVERY ACT			D	D
FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT	P	P	P	P

Key: D - State exercises authority delegated under the federal law.
P - State exercises partial authority delegated under the federal law.

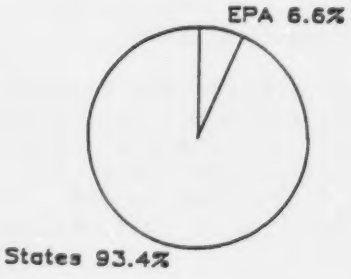
Note: Responsibility for general air compliance is with the states under EPA-approved implementation plans.

' Delegated Fiscal Year 1985.

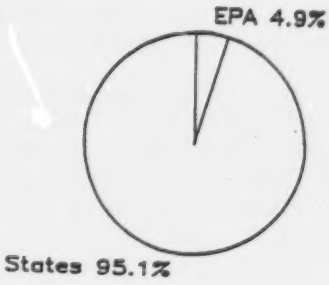


With increased state delegation and maturity of established programs, EPA's inspection rate (in delegated programs) has decreased, while the number of state-delegated inspections has significantly increased. The pie graphs below illustrate the percentage of inspections conducted by the states and EPA. In Fiscal Years 1983 and 1984, the states were delegated more authority.

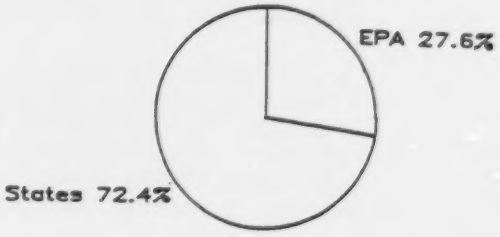
% INSPECTIONS – AIR FY83



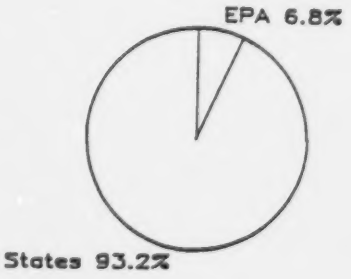
% INSPECTIONS – FIFRA FY83



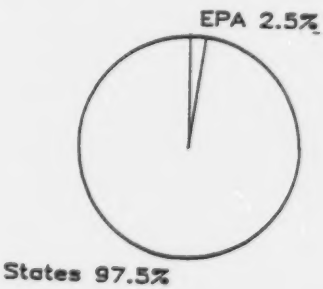
% INSPECTIONS – RCRA FY83



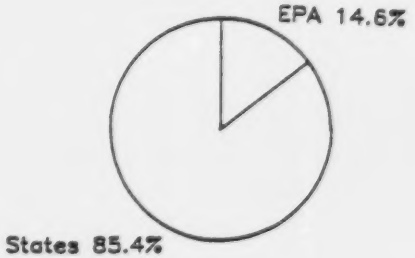
% INSPECTIONS – AIR FY84



% INSPECTIONS – FIFRA FY84



% INSPECTIONS – RCRA FY84



III. REGION 10 ENFORCEMENT ACTIONS

Region 10 enforcement aims both at instances of environmental degradation and other failures to comply with program regulations. Until recent years, Region 10 was able to address only the very worst violations. A high priority on enforcement activity has made it possible for Region 10 to attack many more violations than before.

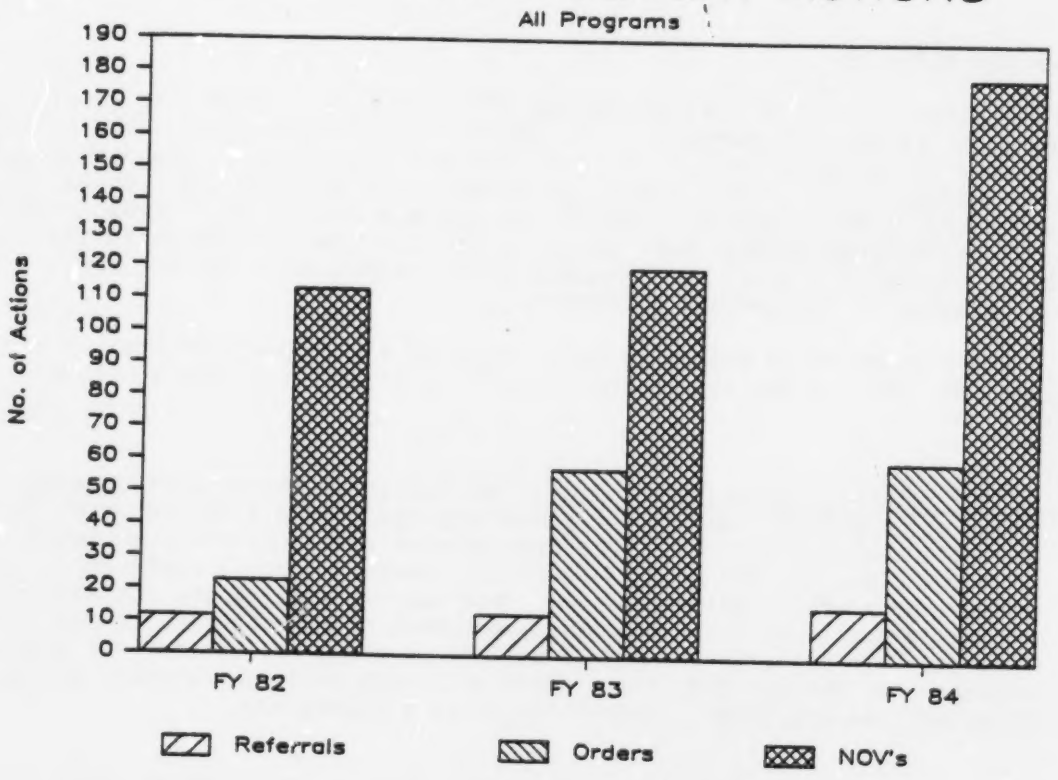
Innovative enforcement settlements reached by Region 10 in cases involving single-site violations of PCB regulations have resulted in broad, corporate-wide compliance. Some examples are: Bohemia, Crown Zellerbach, Allstate Insurance, Pendleton Mills, Washington State Penitentiary, and Group Health Cooperative of Puget Sound.

Some unique compliance agreements have been negotiated for federal facilities. These negotiations often begin with discovery of a violation that is used as a lever for a broader compliance accord. For example, after several enforcement actions demonstrated the need for improved procedures, the Department of Defense developed a written procedure for moving hazardous wastes from military installations in Alaska. Agreements also were negotiated with the Bureau of Reclamation (for Grand Coulee Dam) and Bonneville Power Administration to set up compliance schedules for their facilities.

Region 10 has significantly increased Section 404 (CWA) enforcement actions. In addition to a five-fold increase in violation notices and administrative orders, Region 10 has initiated an enforcement strategy that will enhance wetland protection. A key element in the strategy includes more innovative and effective use of both EPA and Corps of Engineers staff resources. Cooperative agreements between EPA, the Corps, and other resource agencies have significantly improved our overall enforcement capability.

The number of notices of violation or noncompliance issued by the Regional Office increased by 58 percent between Fiscal Years 1982 and 1984. During the same time period, administrative orders rose 165 percent. Civil and criminal referrals also increased, with judges imposing or approving higher penalties. Highlights of EPA Region 10 enforcement actions, grouped according to the underlying federal legislation, are presented in the remainder of this section.

EPA — ENFORCEMENT ACTIONS



This data illustrates the number of inspections and enforcement actions conducted by EPA for all programs.

ALL PROGRAMS - EPA

FISCAL YEAR ACTIONS	1982	1983	1984	% Change
Inspections	754	581	639	- 15%
Notices Violations/ Noncompliance	113	120	179	+ 58%
Orders	23*	58**	61	+ 165%
Civil Referrals	12	12	13	+ 8%
Criminal Referrals	0	3	3	***

Note: Percent change is the difference between Fiscal Years 1982 and 1984.

* Excludes 770 placer-mine administrative orders, which were issued in lieu of NPDES permits.
** Excludes 59 trout-hatchery administrative orders, which were issued in lieu of NPDES permits.
*** Cannot compute percentage.

CLEAN AIR ACT (CAA):

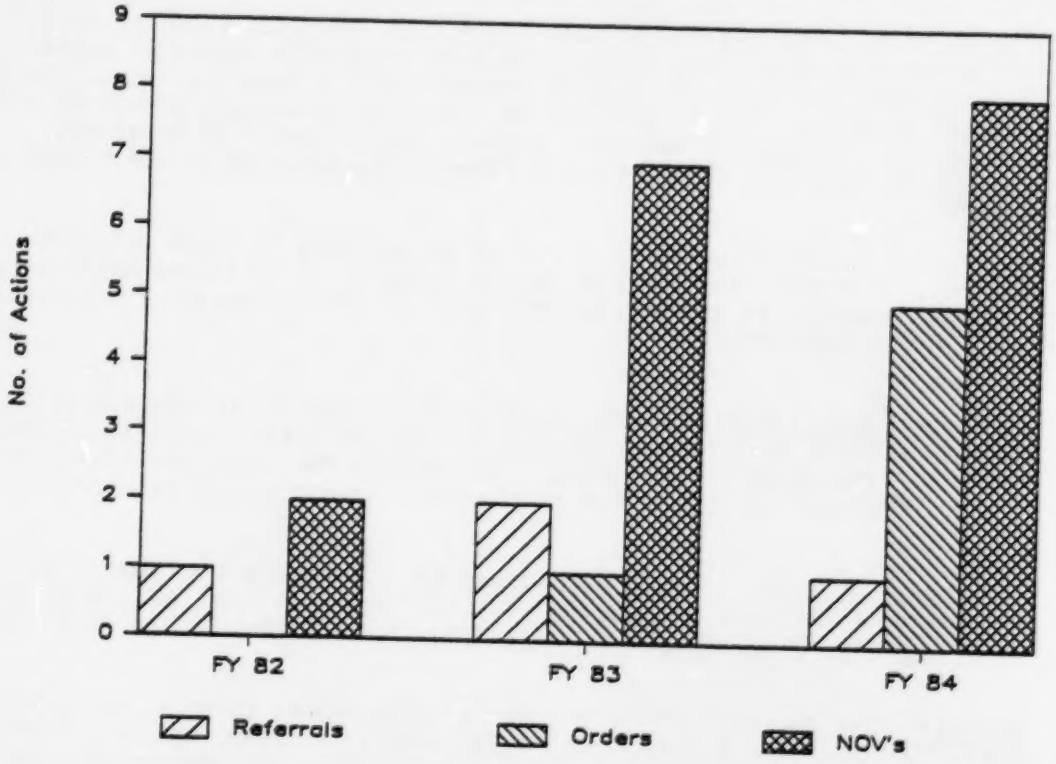
The Clean Air Act of 1963 authorized direct grants to state and local governments to develop, establish, or improve regulatory programs, and provided for federal enforcement action in interstate pollution cases. The development of air quality criteria to serve as guidelines to regulatory agencies was an area designated for research. The Act was amended in 1970 to provide greater centralized federal control over air pollution; this was reflected in the creation of the EPA, which was delegated broad responsibilities for the implementation of the amended provisions.

The Air programs in Region 10 have increased all enforcement actions since Fiscal Year 1982. A decline in EPA inspections is primarily due to state delegation.

ASARCO Smelter, Tacoma, Washington - EPA Region 10, state environmental agencies, and local health representatives dealt with a serious and controversial health issue concerning arsenic emissions and compliance with the Clean Air Act at this facility. Hearings, press conferences, and community relations activities were undertaken to assist the Administrator in making decisions regarding the development of pending regulations for hazardous air pollutants. Asarco decided to close the smelter for economic reasons. By Winter 1985, the company will stop producing arsenic and be finished cleaning flues. Demolition plans are underway.

Martin Marietta, Goldendale, Washington - This was EPA's first court case to enforce national regulations on preventing significant deterioration of air quality in an area where the air was cleaner than required under national ambient air quality standards. Newly installed equipment at the facility failed to preserve the pre-existing air quality. Region 10 issued a notice of violation and referred the matter to the Department of Justice. A consent decree resulted in the gathering of data for EPA to issue a new permit.

AIR — Enforcement Actions



This data illustrates the number of inspections and enforcement actions conducted by EPA for the Air program.

AIR PROGRAMS

FISCAL YEAR ACTIONS	1982	1983	1984	% Change
Inspections	116	75	83	- 31%
NOVs	2	7	8	+ 300%
Orders	0	1	5	***
Referrals	1	2	1	***

Note: Percent change is the difference between Fiscal Years 1982 and 1984.

*** Cannot compute percentage.

RESOURCE CONSERVATION AND RECOVERY ACT (RCRA):

The Resource Conservation and Recovery Act of 1976 addresses the most serious environmental and health concerns associated with hazardous waste, while reaffirming the goal of resource recovery with a moderate research and development program. EPA was directed to establish a regulatory program over the generation, transport, treatment, storage, and disposal of hazardous wastes, which states are authorized and financially assisted to administer on their own.

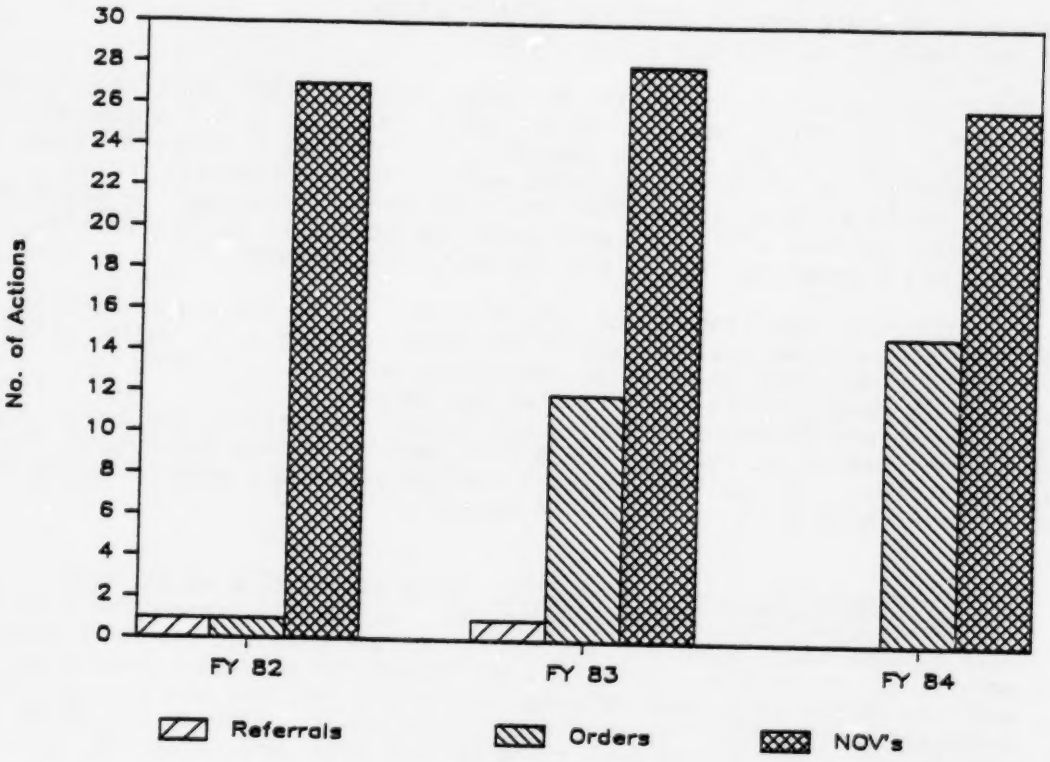
A decrease in EPA inspections is due to an increase in state-delegated inspections. A significant increase in the issuance of stringent administrative orders, however, is a definite indication of EPA's stepped-up enforcement presence in the RCRA program.

Hazardous Waste Landfills - The permitting process of two commercial hazardous waste landfills in the Region requires these landfills to conduct intensive ground-water monitoring. The permits for these facilities are in the forefront nationally for ground-water investigation requirements.

Envirosafe of Idaho - The Region issued two administrative orders, with penalties of $150,000 and $67,500, against this facility. With each order issued, there was a significant reduction in violations at the facility.

Wyckoff - The Regional Office issued two RCRA Orders to this wood-treatment facility in Seattle during Fiscal 1984. In Fiscal 1985, the Department of Justice obtained a twelve-count indictment against the company president and three supervisors for alleged conspiracy, disposing of hazardous waste without a permit, making false statements to the government, and discharging pollutants without a permit required by the Clean Water Act. The case resulted in fines, imprisonment, and sentences to perform community service while on probation. This was the first criminal conviction in Region 10 resulting in imprisonment of a company's president. The Region is continuing to work with this facility concerning compliance schedules for RCRA and CWA violations.

RCRA — Enforcement Actions



This data illustrates the number of inspections and enforcement actions conducted by EPA for the RCRA program.

RCRA

FISCAL YEAR ACTIONS	1982	1983	1984	%Change
Inspections	71	97	62	- 13%
NOVs	27	28	26	- 4%
Orders	1	12	15	+1400%
Referrals	1	1	0	***
Administrative Penalities	0	$ 40,800	$324,725	***

Note: Percent change is the difference between Fiscal Years 1982 and 1984.

*** Cannot compute percentage.

COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT (CERCLA - Superfund):

The Comprehensive Environmental Response, Compensation, and Liability Act, also known as Superfund, was enacted in 1980. Among its main features are the creation of a fund to pay for the emergency and remedial cleanup responses and a fund to cover the costs of monitoring and caring for presently active hazardous waste disposal sites after they have been closed down. A major goal of the Superfund site cleanup program under the CERCLA is to have parties responsible for hazardous wastes pay for necessary cleanup.

During Fiscal 1984, the Region issued seven removal 106 orders, requiring specified site-cleanup actions, and three remedial 106 orders, which called for other actions, such as drilling monitoring wells or conducting soil sampling, to develop plans and schedules for long-term cleanup. Four of the seven responsible parties involved in the removal 106 orders, and two of the parties involved in the remedial 106 orders, will undertake and finance the required actions. In addition, several emergency removals were conducted in the Region without the issuance of 106 orders.

Western Processing, Kent, Washington - This is the site of the most expensive Superfund cleanup in Region 10. Potentially responsible parties have already spent about $10 million on surface cleanup, and much remedial work is yet to be done. Superfund was tapped for emergency removal of waste by Region 10 because evidence documented imminent and substantial endangerment to public health and the environment. Federal and state efforts to control runoff from the site have been very extensive.

American Surplus, Tacoma, Washington - The Washington Department of Ecology and EPA worked with this facility in the early '80s to solve problems under the Clean Water and Resource Conservation and Recovery Acts. A fire created the need for an emergency cleanup, but the owner did not adequately respond. As a result, Region 10 managed the cleanup. Cost recovery ($138,000) to reimburse the "Superfund" was concluded in Fiscal Year 1984--the first such action in Region 10.

Well 12A, Tacoma, Washington - A national drinking water study alerted Region 10 to solvents in this drinking water source. The potentially responsible parties declined to investigate the site, so Region 10 monitored and sampled the ground water and soil. In six months, Region 10 designed and built aeration towers that remove the solvents from the water. The source of contamination has been found, and negotiations are underway for cleanup.

FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT (FIFRA):

The Federal Insecticide, Fungicide, and Rodenticide Act, enacted in 1947 and amended in 1972, requires that pesticides be accurately labeled with ingredients, specific uses, and instructions. Further, it regulates the use and requires the registration of all pesticides for explicit protection of the environment.

Pesticide actions by EPA under the Federal Insecticide, Fungicide, and Rodenticide Act have declined, primarily because of delegation through cooperative agreements with the states. States take independent actions; EPA issues warning letters and levies civil penalties when cases are referred by states. EPA handles all commercial product violations, including mislabeling and similar cases.

EDB - After federal suspension of ethylene dibromide (EDB), a highly toxic pesticide, the Region used the cooperative enforcement agreement to divide work with the Washington Department of Agriculture to define the extent of EDB contamination and population exposure in the state. The investigations focused on potential areas of contamination and populations exposed. The investigations thusfar have found EDB at varying concentrations in some private and public drinking water sources in various counties. The populations involved have been made aware of the contamination and where high levels of contamination were found the persons were advised to find alternate drinking water sources.

Indian Grant - The first pesticide enforcement grant issued to an Indian Tribe in Region 10 was awarded in Fiscal Year 1984 to the Shoshone Bannock tribe of Fort Hall, Idaho. This grant was issued to the tribe to develop a pesticide enforcement program on the reservation.

This data illustrates the number of inspections and enforcement actions conducted by EPA for the pesticides program. The delegated states do most inspections and enforcement.

FIFRA

FISCAL YEAR	1982	1983	1984	% Change
ACTIONS				
Inspections	41	32	16	- 61%
Warning Letters	47	39	38	- 19%

Note: Percent change is the difference between Fiscal Years 1982 and 1984.

TOXIC SUBSTANCES CONTROL ACT (TSCA):

The Toxic Substances Control Act of 1976 has three main features:

1) it seeks to prevent pollution incidents through requirements for premarket testing;

2) it places the burden of proof of safety on the manufacturer or distributor of the chemical; and

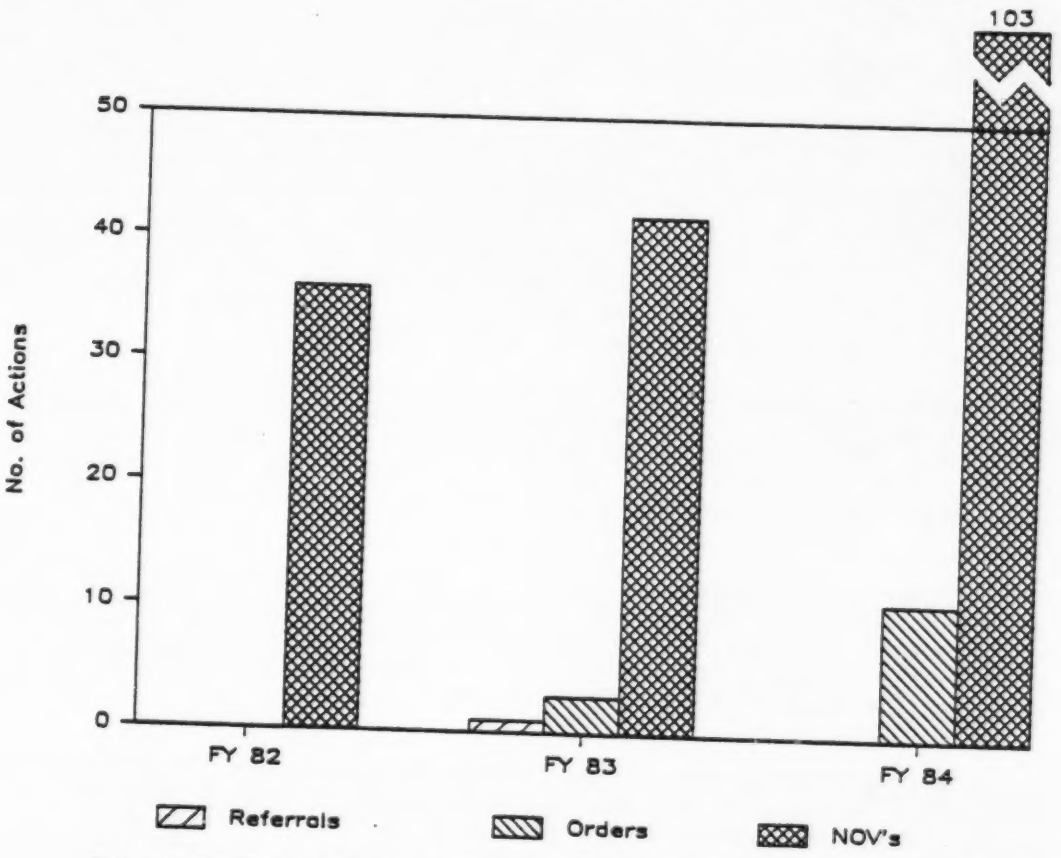
3) it provides authority to control toxic chemicals not subject to existing laws.

Increasing enforcement actions and inspections in the TSCA program is partly due to expansion of the asbestos-in-schools program. Firmer enforcement in the TSCA program is reflected in higher dollar amounts of penalties being imposed. Region 10 has led the nation in devising TSCA penalty settlements under which a large percentage of assessed penalties are applied by violators to projects of environmental value. For example, the University of Washington applied a portion of monies from a penalty to create a videotape which dealt with PCB compliance problems. This production will be used by industries to learn about complying with TSCA requirements.

Asbestos in Schools - Civil administrative penalties were levied against several school districts for failure to comply with federal rules regulating asbestos in schools. Increased compliance has resulted from the Region's firm stand against violators.

Criminal Convictions - Region 10 obtained three criminal convictions concerning TSCA violations in the past five years. The cases involved: WES-CON, Drum Recovery, and Pacific Hide and Fur. The first criminal convictions in the Region were for TSCA violations.

TSCA — Enforcement Actions



This data illustrates the number of inspections and enforcement actions conducted by EPA for the TSCA program.

TSCA

FISCAL YEAR ACTIONS	1982	1983	1984	%Change
Inspections	128	143	249	+ 95%
Notice Noncompliance	36	42	103	+ 186%
Orders	0	3	11	***
Referrals	0	1	0	***
Administrative Penalities*	$24,000	$155,500	$440,000	+1733%

Note: Percent change is the difference between Fiscal Years 1982 and 1984.

* PCB program only.
*** Cannot compute percentages.

CLEAN WATER ACT (CWA):

The Clean Water Act of 1977 authorized EPA to set waterway discharge guidelines and issue National Pollutant Discharge Elimination System permits to all industrial and municipal dischargers. The Act also extended and increased authorizations for the municipal wastewater treatment construction grants, provided new authorities for controlling toxics, and amended several previously-enacted regulations, including compliance deadlines and definitions. In addition to emphasizing controlling agricultural non-point sources of pollution, the Act also requires the identification of recreational opportunities and areas resulting from improved water conditions.

A 267 percent increase in referrals to the Department of Justice demonstrates the vigor of enforcement against violators of the Clean Water Act. Eighteen administrative orders were issued in Fiscal 1984. This is a significant number, although lower than in Fiscal Years 1982 and 1983 when there was heavy emphasis placed on placer mines and trout hatcheries.

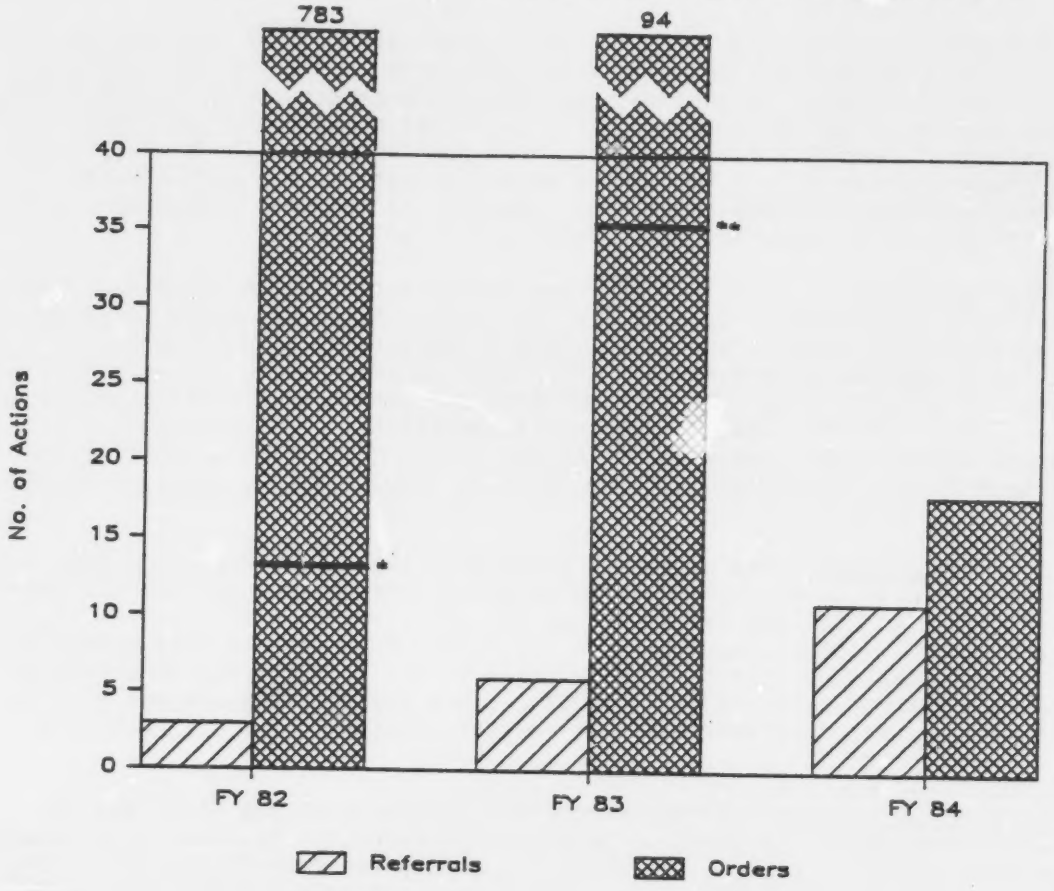
Marine Power and Equipment - A Region 10 investigation resulted in a civil judicial complaint being filed by the Department of Justice in March 1985 alleging that this Seattle facility had discharged pollutants from sandblasting without a required permit. A temporary restraining order was issued by the court halting such discharges.

Placer Mining - During Fiscal 1982, Region 10 issued some 770 administrative orders to placer miners who were discharging without a required permit. These administrative orders did not necessarily imply any violation, but required the placer miners to adhere to specific discharge limitations until permits could be issued. During Fiscal Years 1984 and 1985, Region 10 issued 540 permits to placer miners in Alaska, requiring them to monitor the amount of settleable solids being discharged into the mainstream. This action set the stage for compliance reviews and began the process of setting discharge (or effluent) limits for future permits. Nine placer mining cases were referred to the Department of Justice in Fiscal Year 1984 because of violations, as compared to one referral in Fiscal 1983, and no referrals in Fiscal 1982.

Mobil Oil - In Fiscal Year 1983, the Region collected from Mobil Oil Corporation the largest cash penalty assessed and collected under the Clean Water Act up to that time--$620,000! EPA referred this case to the Department of Justice because the facility was operating and discharging into the water without having first obtained a required permit.

International Seafood Processors - The Region issued the first orders nationally to foreign seafood processors, who were discharging seafood wastes into marine waters without a permit. These administrative orders require that the waste meet certain conditions before it is allowed to be discharged into the water.

NPDES — Enforcement Actions



* Above line represents the 770 Placer Mining Orders.
** Above line represents the 59 Trout Hatchery Orders.

This data illustrates the number of inspections and enforcement actions conducted by EPA for the National Pollution Discharge Elimination System program (CWA mandates).

NPDES

FISCAL YEAR	1982	1983	1984	% Change
ACTIONS				
Inspections	163	156	143	- 12%
Orders	783	94	18	- 98%
Referrals	3	6	11	+ 267%

Note: Percent change is the difference between Fiscal Years 1982 and 1984.

SAFE DRINKING WATER ACT (SDWA):

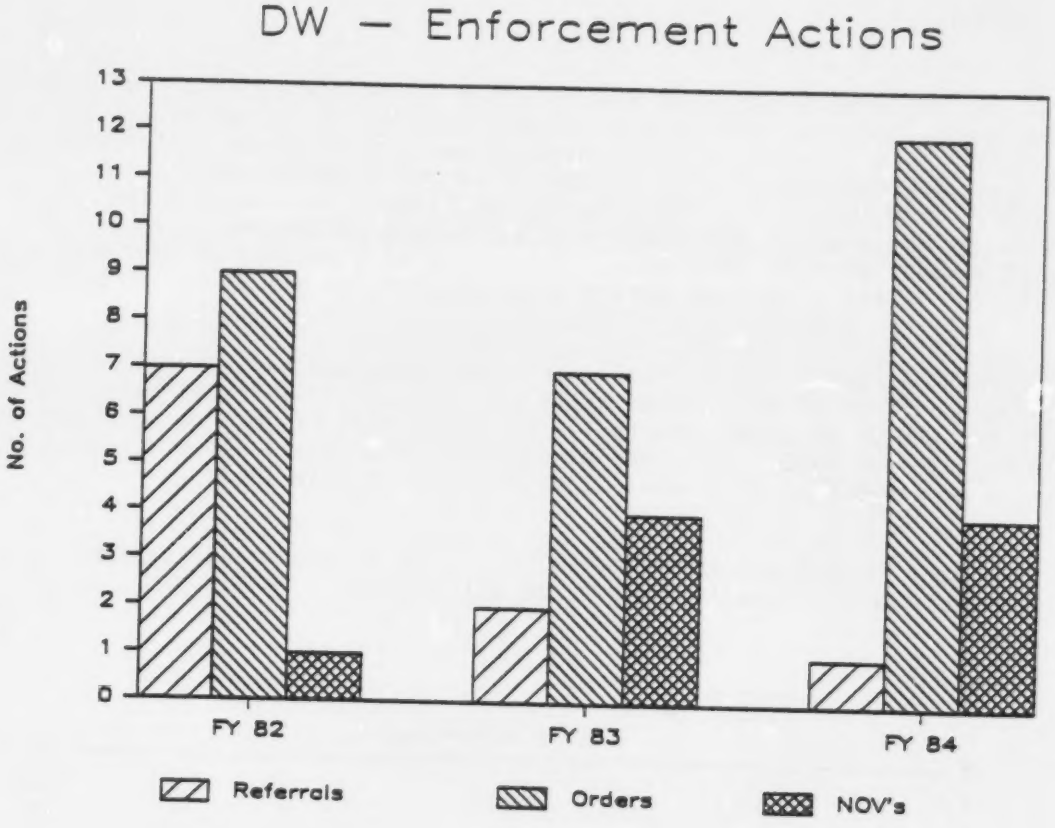
The Safe Drinking Water Act, passed in 1974, directs the Administrator of EPA to prescribe national drinking water standards to protect the public health, permits states to enforce requirements, provides protection of underground sources of drinking water, and establishes a system for emergency allocation of chemicals necessary for water purification. The primary enforcement responsibility for public water regulation lies with the states, provided stringent national standards, adequate enforcement procedures, and a plan for providing emergency water supplies are adopted.

The Safe Drinking Water Act provides EPA no authority to issue administrative orders. Enforcement options are notices of violation, press releases naming violators, case referrals to the U.S. Department of Justice and negotiated compliance agreements. The number of EPA notices of violation issued and compliance agreements negotiated has significantly increased since Fiscal 1982. EPA has sole enforcement responsibility in Oregon and has referred twelve cases involving violations to the Department of Justice from 1982 to present. Penalties assessed in these cases totalled nearly $100,000.

Neskowin, Oregon - The privately owned drinking water source for this resort community had numerous violations of the maximum contaminant level allowed. In the late 1970s, Region 10 initiated the first federal enforcement action under the SDWA nationally by referring this matter to the Department of Justice. Following a change from private ownership to public ownership of the water supply, a new treatment system was installed, eliminating the threat to public health.

Everett, Washington - Through cooperative efforts of the State and EPA, and approximately 15 years of working with Everett's drinking water supply, the installation of a filter plant was accomplished in Fiscal 1983. The City installed the system looking at probable future federal requirements of an increasingly more stringent nature. Cost of the filtration system was approximately $50 million.

Midland Water Association, Oregon - Using an untreated creek for its water supply, the community had long-term gross violations of the maximum contaminant levels for bacteria and turbidity. Region 10 initiated federal enforcement action under the Safe Drinking Water Act by referring this matter to the Department of Justice. Through a Housing and Urban Development (HUD) grant supported by EPA, the community has begun construction of a complete treatment system, eliminating the threat to public health.



This data illustrates the number of inspections and enforcement actions conducted by EPA for the drinking water program.

SDWA

FISCAL YEAR ACTIONS	1982	1983	1984	% Change
Inspections	235	78	89	- 62%
NOVs	1	4	4	+ 300%
Compliance Agreements	9	7	12	+ 33%
Referrals	7	2	1	- 86%

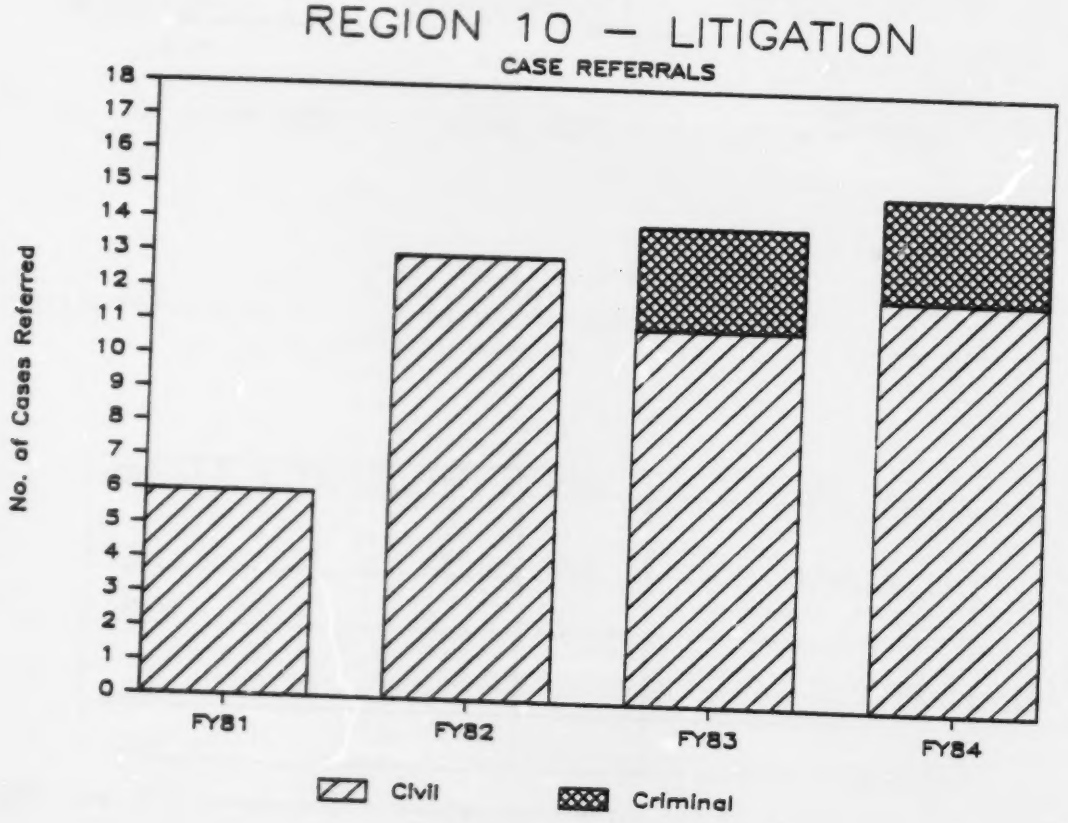
Note: Percent change is the difference between Fiscal Years 1982 and 1984.

IV. SUMMARY

Strong enforcement policies are reflected in the higher number of orders issued, cases referred, and penalty amounts imposed for violating laws during Fiscal Year 1984. In recent years, innovative consent-decree settlements have been negotiated by Region 10 to achieve broad environmental objectives consistent with federal law and make the "punishment fit the offense." Such settlements may require compensatory or mitigative actions by violators as part of payment of civil penalties. Collection of a portion of some monetary penalties also may be delayed during good behavior, to become due if any future violation occurs.

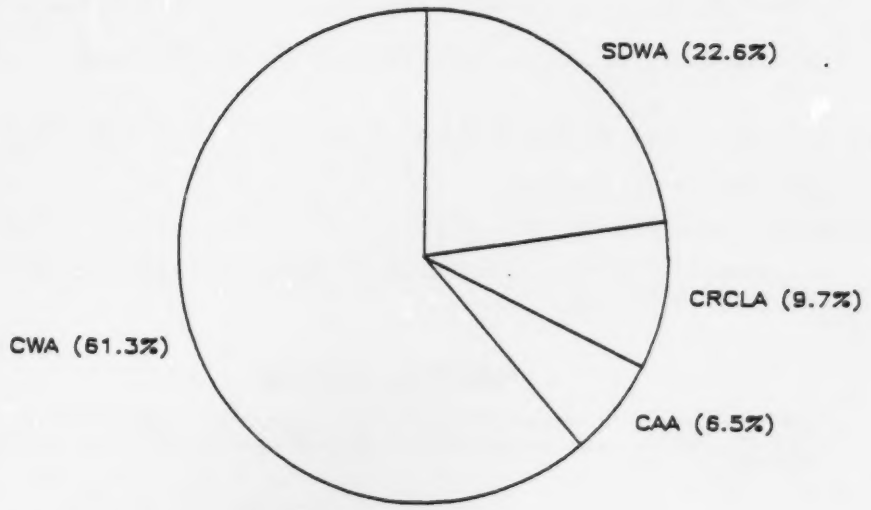
Litigation can be the end result of inspections and enforcement actions, with the exception of those cases which are resolved administratively. In total, the number of cases referred to the Department of Justice has increased since Fiscal Year 1982. Note the introduction of criminal referrals after the creation of the Office of Criminal Investigation in late 1982.

This data illustrates the number of civil and criminal cases referred to the Department of Justice by EPA for all programs.



This data illustrates the percentage of active cases during Fiscal 1984 by statutory authority. TSCA, RCRA, and FIFRA are not reflected because these cases are routinely resolved through the administrative penalty process, which frequently saves time and resources.

ACTIVE CASES – FY 84



The judicial penalties referred to the Department of Justice are displayed on this page. First EPA proposes a penalty amount for the alleged violation. After negotiations with the violator the penalty amount which is written in the Consent Decree is the penalty amount adjusted. After the legal proceedings, the penalty is collected.

This data illustrates the status of judicial penalties referred to the Department of Justice by EPA.

PENALTY STATUS

FISCAL YEAR	1982	1983	1984	%Change
PENALTIES				
Number of Penalties	3	6	11	+ 267%
Proposed	0	$628,067	$225,480	***
Adjusted	$50,600	$656,820	$338,780	+ 569%
Collected	$50,600	$642,323	$291,130	+ 475%

Note: Percent change is the difference between Fiscal Years 1982 and 1984.

*** Cannot compute percentage.

This data illustrates the amount of judicial penalties adjusted by statutory authority.

PENALTIES ADJUSTED

FISCAL YEAR	1982	1983	1984	%Change
AUTHORITY				
CWA	$50,600	$635,000	$ 97,080	+ 92%
CAA	0	$ 13,020	$ 50,000	***
SDWA	0	$ 8,800	$ 45,850	***
CERCLA	0	0	$145,750	***
TOTAL	$50,600	$656,820	$338,780	+ 569%

Note: Percent change is the difference between Fiscal Years 1982 and 1984.

*** Cannot compute percentage.

There is a direct relationship between compliance with key regulatory requirements and protection of the environment. Only when there is a high level of compliance with each program's regulatory requirements is there an effective mechanism for improving environmental quality. Region 10 finds that high compliance rates are not achieved in any program in the absence of a strong enforcement presence. For this reason EPA and state environmental agencies in Region 10 will continue to work together to initiate and oversee strong enforcement actions as a deterrent to violators.

Region 10 believes it will take time before violations are significantly reduced. However, the Agency is staffed with determined personnel who initiate and oversee strong enforcement actions as a deterrent to violators. We are on the road to a healthier environment!